IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Original Jurisdiction

Dated : Nainital: the 25th day of July, 2007

Second Bail Application No. 599 of 2007

Criminal Side

Bijendra Pratap Singh
S/o Sri Mohan Singh
R/o Singoli, Patwari Kshetra Ganiyadholi
Tehsil : Ranikhet
District Almora. ……..Applicant

Versus

State of Uttarakhand ……Opposite Party

Arising out of crime No. 02 of 2007
Under Sections : 323, 376, 504 I.P.C. & 3(1) (XII) S.C. S.T. Act
P.S.: N.T. Ranikhet
District Almora.

Hon'ble Prafulla C. Pant, J.

This is second bail application, moved on behalf of the applicant-Bijendra Pratap Singh, who is in jail in connection with crime No. 02 of 2007, relating to offences punishable under Sections 323, 376, 504 I.P.C. & under Section 3(1) (XII) S.C. S.T. (Prevention of Atrocities) Act, 1989, P.S. N.T. Ranikhet, District- Almora.

Heard learned counsel for the parties and perused the papers on record. The first bail application was rejected on 12.06.2007. learned counsel for the applicant argued that on said dated, the applicant's counsel could not appear.

Today, the applicant's counsel is heard.

It is submitted on behalf of the applicant that the examination recorded by the Medical Officer of the victim, does not show if consent of the victim or the persons authorized on her behalf to give the same was taken. In this connection, attention of this Court is drawn to Sub-section (7) of Section 164 A of Cr.P.C. It is not the stage when evidence of such compliance is required to be examined.

Having gone through the papers on record, this Court finds that the allegation of rape made against the applicant is corroborated from the statement of prosecutrix, recorded by the Investigating Officer and also by the medical report. It is pertinent to mention here that the victim is aged 13 years only.

Considering all facts and circumstances, this Court is of the view that it is not a fit case for bail. The bail application is rejected.

Dt. 25.07.2007 **(Prafulla C. Pant, J.)**

Sweta